

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
(EASTERN DIVISION)**

MICHAEL DUFFORD,)	
)	
Plaintiff,)	
)	
vs.)	No. 19-CV _____
)	
WASHINGTON UNIVERSITY MEDICAL CENTER,)	
a non profit corporation,)	
)	
THE WASHINGTON UNIVERSITY, Chartered as a)	
benevolent organization in Missouri as Charter)	
No. B00014480, d/b/a WASHINGTON)	
UNIVERSITY PHYSICIANS, and WASHINGTON)	
UNIVERSITY IN ST. LOUIS, and)	
)	
BARNES-JEWISH HOSPITAL,)	
)	
Defendants.)	

COMPLAINT

**COUNT I: WASHINGTON UNIVERSITY MEDICAL CENTER
MEDICAL MALPRACTICE/NEGLIGENCE**

Now comes the Plaintiff, MICHAEL DUFFORD, by his attorneys, STRELLIS & FIELD, CHARTERED, and for his cause of action against the Defendant, WASHINGTON UNIVERSITY MEDICAL CENTER, a nonprofit corporation, hereinafter referred to as WASHINGTON UNIVERSITY MEDICAL CENTER, states as follows:

1. The plaintiff is a citizen and resident of Monroe County, Illinois in the Southern District of Illinois. The defendant is nonprofit corporation having it's principal place and citizenship in the State of Missouri.

2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

3. At times pertinent hereto, the defendant, WASHINGTON UNIVERISTY MEDICAL CENTER, was a nonprofit corporation engaged in the business of providing medical care in the County of St. Louis, Missouri, in the Eastern District of Missouri.

4. That on or about January 20, 2017, plaintiff underwent an open Achilles tendon debridement with excision of Haglund deformity on his right foot performed by Dr. Jeremy McCormick, M.D. at Barnes-Jewish Hospital at which time the subject foot was placed competently in a 90° position in a cast.

5. That on or about January 30, 2017, plaintiff presented himself to defendant, WASHINGTON UNIVERSITY MEDICAL CENTER, for right leg pain and swelling and while under the care and supervision of the defendant, the defendant by and through its agents and/or employees, caused the removal of plaintiff's cast in order to perform an ultrasound to confirm deep vein thrombosis (DVT).

6. That on January 30, 2017, while the plaintiff was under the care of the defendant, WASHINGTON UNIVERSITY MEDICAL CENTER, Defendant, by and through its agents and/or employees, placed plaintiff's right foot in a neutral position in contradiction with Dr. Jeremy McCormick's orders to recast the right foot in a 90° position.

7. At times pertinent hereto, the defendant, WASHINGTON UNIVERSITY MEDICAL CENTER, by and through its agents and/or employees, had a duty to exercise reasonable care to provide the plaintiff with proper and adequate care within the standard of care generally accepted in the field of medicine.

8. While in the care as stated above, the defendant, WASHINGTON UNIVERSITY MEDICAL CENTER, by and through its agents and/or employees, was in violation of its duty to the plaintiff and negligently performed one or more of the following acts:

a. Negligently and carelessly failed to properly treat the Plaintiff by placing plaintiff's right foot in a neutral position in direct contradiction to his treating doctor's orders; and,

b. Negligently and carelessly failed to adequately and/or properly place Plaintiff's right foot in a 90° position to prevent damage to the Achilles tendon;

9. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, WASHINGTON UNIVERSITY MEDICAL CENTER, Plaintiff, MICHAEL DUFFORD, then and there sustained injuries, disability, pain, and medical expenses.

WHEREFORE, Plaintiff, MICHAEL DUFFORD, demands judgment against the defendant, WASHINGTON UNIVERSITY MEDICAL CENTER, a non-profit corporation, in the amount in excess of One Hundred Thousand Dollars (\$100,000.00), plus costs of suit.

**COUNT II: THE WASHINGTON UNIVERSITY d/b/a WASHINGTON
UNIVERSITY PHYSICIANS and WASHINGTON UNIVERSITY IN ST. LOUIS
MEDICAL MALPRACTICE/NEGLIGENCE**

Now comes the Plaintiff, MICHAEL DUFFORD, by his attorneys, STRELLIS & FIELD, CHARTERED, and for his cause of action against the Defendant, THE WASHINGTON UNIVERSITY, chartered as a benevolent organization in the state of Missouri as Charter No. B00014480, d/b/a WASHINGTON UNIVERSITY PHYSICIANS and WASHINGTON UNIVERSITY IN ST. LOUIS, hereinafter referred to as THE WASHINGTON UNIVERSITY, states as follows:

1. The plaintiff is a citizen and resident of Monroe County, Illinois in the Southern District of Illinois. The defendant is chartered as a benevolent organization in the state of Missouri as Charter No. B00014480 having it's principal place and citizenship in the State of Missouri.

2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

3. At times pertinent hereto, the defendant, THE WASHINGTON UNIVERSITY, was chartered as a benevolent organization in the state of Missouri as Charter No. B00014480 as set forth above engaged in the business of providing medical care in the County of St. Louis, Missouri, in the Eastern District of Missouri.

4. That on or about January 20, 2017, plaintiff underwent an open Achilles tendon debridement with excision of Haglund deformity on his right foot performed by Dr. Jeremy McCormick, M.D. at Barnes-Jewish Hospital at which time the subject foot was placed competently in a 90° position in a cast.

5. That on or about January 30, 2017, plaintiff presented himself to defendant, THE WASHINGTON UNIVERSITY, for right leg pain and swelling and while under the care and supervision of the defendant, the defendant by and through its agents and/or employees, caused the removal of plaintiff's cast in order to perform an ultrasound to confirm deep vein thrombosis (DVT).

6. That on January 30, 2017, while the plaintiff was under the care of the defendant, THE WASHINGTON UNIVERSITY, Defendant, by and through its agents and/or employees, placed plaintiff's right foot in a neutral position in contradiction with Dr. Jeremy McCormick's orders to recast the right foot in a 90° position.

7. At times pertinent hereto, the defendant, THE WASHINGTON UNIVERSITY, by and through its agents and/or employees, had a duty to exercise reasonable care to provide the plaintiff with proper and adequate care within the standard of care generally accepted in the field of medicine.

8. While in the care as stated above, the defendant, THE WASHINGTON UNIVERSITY, by and through its agents and/or employees, was in violation of its duty to the plaintiff and negligently performed one or more of the following acts:

- a. Negligently and carelessly failed to properly treat the Plaintiff by placing plaintiff's right foot in a neutral position in direct contradiction to his treating doctor's orders; and,

b. Negligently and carelessly failed to adequately and/or properly place Plaintiff's right foot in a 90° position to prevent damage to the Achilles tendon;

9. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, THE WASHINGTON UNIVERSITY, Plaintiff, MICHAEL DUFFORD, then and there sustained injuries, disability, pain, and medical expenses.

WHEREFORE, Plaintiff, MICHAEL DUFFORD, demands judgment against the defendant, THE WASHINGTON UNIVERSITY, chartered as a benevolent organization in the state of Missouri as Charter No. B00014480, d/b/a WASHINGTON UNIVERSITY PHYSICIANS and WASHINGTON UNIVERSITY IN ST. LOUIS, in the amount in excess of One Hundred Thousand Dollars (\$100,000.00), plus costs of suit.

**COUNT III: BARNES-JEWISH HOSPITAL
MEDICAL MALPRACTICE/NEGLIGENCE**

Now comes the Plaintiff, MICHAEL DUFFORD, by his attorneys, STRELLIS & FIELD, CHARTERED, and for his cause of action against the Defendant, BARNES-JEWISH HOSPITAL, a nonprofit corporation, hereinafter referred to as BARNES-JEWISH HOSPITAL, states as follows:

1. The plaintiff is a citizen and resident of Monroe County, Illinois in the Southern District of Illinois. The defendant is nonprofit corporation having it's principal place and citizenship in the State of Missouri.

2. Jurisdiction of this Court is invoked pursuant to Title 28 United States Code, Section 1332(a). The matter in controversy exceeds Seventy-Five Thousand Dollars (\$75,000.00).

3. At times pertinent hereto, the defendant, BARNES-JEWISH HOSPITAL, was a nonprofit corporation engaged in the business of providing medical care in the County of St. Louis, Missouri, in the Eastern District of Missouri.

4. That on or about January 20, 2017, plaintiff underwent an open Achilles tendon debridement with excision of Haglund deformity on his right foot performed by Dr. Jeremy McCormick, M.D. at Barnes-Jewish Hospital at which time the subject foot was placed competently in a 90° position in a cast.

5. That on or about January 30, 2017, plaintiff presented himself to defendant, BARNES-JEWISH HOSPITAL, for right leg pain and swelling and while under the care and supervision of the defendant, the defendant by and through its agents and/or employees, caused the removal of plaintiff's cast in order to perform an ultrasound to confirm deep vein thrombosis (DVT).

6. That on January 30, 2017, while the plaintiff was under the care of the defendant, BARNES-JEWISH HOSPITAL, Defendant, by and through its agents and/or employees, placed plaintiff's right foot in a neutral position in contradiction with Dr. Jeremy McCormick's orders to recast the right foot in a 90° position.

7. At times pertinent hereto, the defendant, BARNES-JEWISH HOSPITAL, by and through its agents and/or employees, had a duty to exercise reasonable care to provide the plaintiff with proper and adequate care within the standard of care generally accepted in the field of medicine.

8. While in the care as stated above, the defendant, BARNES-JEWISH HOSPITAL, by and through its agents and/or employees, was in violation of its duty to the plaintiff and negligently performed one or more of the following acts:

a. Negligently and carelessly failed to properly treat the Plaintiff by placing plaintiff's right foot in a neutral position in direct contradiction to his treating doctor's orders; and,

b. Negligently and carelessly failed to adequately and/or properly place Plaintiff's right foot in a 90° position to prevent damage to the Achilles tendon;

9. As a proximate result of one or more of the aforesaid stated negligent act(s) or omission(s) of the Defendant, BARNES-JEWISH HOSPITAL, Plaintiff, MICHAEL DUFFORD, then and there sustained injuries, disability, pain, and medical expenses.

WHEREFORE, Plaintiff, MICHAEL DUFFORD, demands judgment against the defendant, BARNES-JEWISH HOSPITAL, a non-profit corporation, in the amount in excess of One Hundred Thousand Dollars (\$100,000.00), plus costs of suit.

STRELLIS & FIELD, CHARTERED,

BY /s/Jack A. Strellis
JACK A. STRELLIS #61342
115 East Mill Street
Waterloo, Illinois 62298
(618) 939-3404
jstrellis@strellislaw.com
ATTORNEYS FOR PLAINTIFF

**PLAINTIFF DEMANDS
TRIAL BY JURY**